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### NCJIS Disposition Subcommittee Executive Summary of Recommendations

June 30, 2014

Per the NCJIS Advisory Committee the NCJIS Disposition Subcommittee was created to determine the best course of action to improve the reporting of dispositions. The subcommittee held two meetings producing a survey and the review of the MTG Criminal Records Audit Executive Summary. The survey was designed as a method to obtain details surrounding the contributing factors regarding the reasons DPS does not receive dispositions as expected. The survey targeted all criminal justice agencies to determine the specifics of what and how criminal records the most critical pieces of information is sent and received between these agencies prior to being received by DPS as a final disposition.

Participation by the courts was high however overall participation was only 18% of the recipients responding to the survey. Contributing to this low overall percentage may also be that the survey was sent to multiple contacts at the same agency in an effort to increase the response rate. Even with this seemingly low response rate, the survey indicated valuable data from which to move forward. In fact it was instrumental in our decision that a more grassroots approach is needed before mandates and regulations are considered.

The recommendations outlined below include those that have been recommended by past reports, studies and task forces. They also point us in the direction of a clear end goal of electronically reporting dispositions to the State. The recommendations are listed below and in order of priority to meet that end goal. A summary narrative follows in order to provide more detail to each of these items.

1. Report monitoring by DPS/GSD Fingerprint Support Criminal Records Unit
  - a. Track dispositions received or not received by courts and prosecution.
  - b. Track issues & errors
  - c. Provide exception reports of errors and trends to reporting agencies.
  - d. Establish baseline requirements

2. Standardize forms and guidelines to be developed by DPS/GSD Fingerprint Support Criminal Records Unit.
  - a. To provide standard forms, format and guidelines for all criminal justice agencies
  - b. Establishes baseline for transition to electronic processing
3. Continued outreach and training by DPS/GSD
  - a. To keep criminal justice agencies informed of Criminal History requirements, standards, changes etc...
  - b. Ensures/reinforces requirements are being met
4. Utilize alternate funding sources to improve disposition reporting.
  - a. DPS and AOC to identify additional funding resources such as available grant fund to aid the reporting agencies in the issues identified from the actions above, for example technology improvements, interfaces, etc.



**Nevada Criminal Justice Information System (NCJIS)  
Disposition Sub-Committee  
RECOMMENDATION NARRATIVE**

**STATEMENT OF THE PROBLEM**

**Overview**

Like many states, Nevada suffers from incomplete, untimely, and inaccurate records of criminal history. A recent independent audit of the quality of Nevada's criminal history records revealed that the probability of a recorded, complete, accurate, and timely arrest record in the Nevada Criminal History Repository, housed within the Department of Public Safety, General Services Division, Records Bureau, is 28.23%. The probability of a recorded, complete, accurate, and timely disposition record in the Nevada Criminal History Repository is 21.59%. The probability of an *overall* recorded, complete, accurate, and timely record in the Nevada Criminal History Repository is 24.91%.<sup>1</sup>

A major contributing factor to Nevada's incomplete criminal history records is the lack of final dispositions indicating the outcome of criminal charges. Stories in the Reno Gazette Journal in the fall of 2013 prompted the Chief Justice of the Nevada Supreme Court to mandate all courts to review their records to ensure they were sending the Repository information on mental health adjudications for entry into the FBI's National Instant Criminal Background Check System (NICS), as well as disposition reporting in general. The result is the discovery of over **800,000** dispositions that have not been submitted to the Criminal History Repository in over 20 years.<sup>2</sup>

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<sup>1</sup> Nevada Department of Public Safety Computerized Criminal History System Records Audit, Baseline Audit Results, March 31, 2014, conducted by MTG Management Consultants with funding from a 2012 NCHIP grant.

<sup>2</sup> FY 2014 NICS Act Record Improvement Program (NARIP), Nevada Department of Public Safety, Records Bureau, PROGRAM NARRATIVE, April 2014, written by Julie Butler

## **RECOMMENDATIONS AND GOALS**

### **Report Monitoring**

Report monitoring is essential and can offer many benefits as outlined below. The Nevada Criminal History Repository has never monitored what is reported. This is largely due to 98% of dispositions are reported manually resulting in a time consuming task. In addition the Repository often has not had the resources to perform this task in a timely manner. Monitoring will assist in the use of consistent terminology, agency processing, and developing standardized forms and guidelines. For example in the recent sub-committee meeting the interpretation of an interim disposition varied. This has historically caused confusion resulting in poor recommendations and decision making by all parties involved. It is also apparent in order to ensure compliance and accuracy, reporting feedback is necessary.

Two major components of the disposition reporting will enable us to provide the recommended grassroots approach with outreach and education. First, tracking dispositions received against what is expected, along with the frequency, and manner of receipt. Second, an exceptions report outlining issues, errors and trends that can be provided to the contributors for correction and for statistical purposes.

The goal of these reports will assist us in establishing; baseline requirements for future regulations and procedures, streamlining processes, and identifying needs for a transition to an electronic environment.

### **Standardized Forms and Guidelines**

Currently several courts use the standard disposition form issued by the FBI (aka green sheet) or their own disposition form generated by their case management or document system. The inconsistencies of these forms makes it inefficient to enter the data as each form has different fields and the required data may vary from jurisdiction to jurisdiction. The most common difficulty of entering data from a non-

standard form is the required fields, for example the process control number, (PCN) if missing can take up to 5 minutes of searching and validation in order to determine which arrest record to post the disposition.

Standardized forms would have multiple benefits. These forms would establish universal data collection guidelines amongst all criminal justice agencies and ensure consistent and accurate reporting to the state. Standardized forms with required and mandatory fields would eliminate the significant amount of time currently spent on validation for entry, freeing up staff to actually enter the data. In addition the standardization would lay the foundation towards electronic reporting by establishing the required data fields.

### **Continued Outreach and Education**

Outreach and education has been proven to be successful in rolling out new programs, product, guidelines etc. With a newsletter or e-blast message the successful implementation is dependent on the audience to voluntarily read and understand the message without feedback. Regularly offered required training and classes has proven to be a solid approach to share critical information with constituents. Conducting training at least annually compensates for staff turnover and increases the likelihood of a broader understanding. Outreach and education is the quintessential approach to communication; sharing and feedback as seen below.

Recently the state conducted four outreach classes focused on criminal records. The feedback was positive and encouraging with the most common request for the state to hold more classes that focused on specific in-depth topics related to criminal records and processing. The positive results of those classes have been tangible; increase in the number of courts reporting dispositions, increase in criminal record corrections, increase in seal requests, and reduction in criminal record errors. Continuing and expanding outreach and education offered regularly will allow the state to update the criminal justice agencies on new and modified requirements in a

structured venue which will result in overall continued improvement in reporting, timeliness and accuracy.

### **Alternate Funding Source**

It is very apparent that the root cause for the lack of reporting is multifaceted; limited technology, resources (staffing), no standardization and lack of requirements or guidelines. In order to improve reporting and migrate to an electronic submission an approach similar to the statewide implementation of the livescan machines to law enforcement several years ago may provide a good option.

One solution would be to establish some type of funding program or identifying existing grant opportunities to aid in the improvement of their disposition reporting. This funding should be available for any agency, court, or segment of the disposition process. There are various approaches that could be pursued for funding, for example securing the NCHIP or NARIP federal grants for specific statewide initiatives. Also, a local grant program could be established for criminal justice agencies to request to pay for smaller projects (e.g., report writers to produce the reports from the case management systems in the standardized format).<sup>3</sup>

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<sup>3</sup> June 11, 2014, Scott Sosebee, Reno Justice Court